

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FRANK OWUSU OBIMPEH,

Plaintiff

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

Case No. 2:22-cv-1846

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Kimberly A. Jolson

ORDER

On May 14, 2024, this Court issued an Opinion and Order denying Plaintiff Frank Owusu Obimpeh's Motion for an Entry of Default and directed Mr. Obimpeh to complete service on the United States Attorney for the Southern District of Ohio pursuant to Rule 4(i)(1)(A) of the Federal Rules of Civil Procedure. (ECF No. 20.) Specifically, this Court instructed Mr. Obimpeh to file a Form USM-285, as well as a copy of the summons and complaint within 14 days of the Court's Order. (*Id.*) The Court warned that Mr. Obimpeh's failure to comply with the Court's order will result in the dismissal of this case under Rule 4(m). (*Id.*) As of the date of this Order, Mr. Obimpeh has failed to effect service by filing a Form USM-285 and a copy of the summons and complaint.

Rule 4(m) of the Federal Rules of Civil Procedure states that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

Mr. Obimpeh filed his Complaint on June 8, 2022. (ECF No. 3.) Despite receiving notice from this Court that service needed to be made within a specified time, Mr. Obimpeh has not

effected service upon the United States Attorney for the Southern District of Ohio as required by Rule 4(i)(1)(A). (*See* ECF No. 20.) Accordingly, the action is **DISMISSED WITHOUT PREJUDICE** under Rule 4(m) for failure to timely effect service of process. The Clerk is **DIRECTED** to **ENTER JUDGMENT** and close this case.

IT IS SO ORDERED.

6/24/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE